

Sec. E.100.6 3 V.S.A. § 2289 is added to read:

3 V.S.A. Sec. 2289 Division of Purchasing and Contracting

(a) There is created in the Agency of Administration a Division of Purchasing and Contracting.

(b) In addition to the duties expressly set forth elsewhere by law, the Division of Purchasing and Contracting shall:

(1) Contract for and make all purchases, including but not limited to all fuel, supplies, materials, equipment, software, hardware and certain services for all departments, offices, institutions, and other agencies of the State and counties. However, the Director may delegate authority to those governmental agencies to purchase directly individually approved types and classes of items when the interest of the State is best served thereby. The Division of Purchasing and Contracting shall also contract for and purchase materials for the repair and for the construction and equipment of new buildings to be erected by the State, unless otherwise provided. The Division of Purchasing and Contracting may purchase such fuel, supplies, materials, equipment, software, hardware and certain services as are requisitioned by the supervisors of the natural resources conservation districts. The Division of Purchasing and Contracting may also cooperate with and advise officials of any political subdivision of the State or any institution of higher education chartered in Vermont and accredited or holding a certificate of approval from the State Board of Education in their purchase of any of the fuel, supplies, materials, equipment, software, hardware and certain services needed by the political subdivision or institution of higher education, and may act as the agent of the political subdivision at the request of the authorized officials or agent thereof in the purchase of supplies, materials, and equipment.

(2) Conduct all competitive procurements for the purchase of services in accordance with policies, bulletins and directives issued by the Secretary of Administration.

(3) When any governmental agency is in need of any of the items mentioned in this 3 V.S.A. 2289, and upon request from the responsible officer to the Secretary of Administration, shall purchase the items by either advertising for bids or by letters of inquiry and the contract for those items shall be awarded to the person whose bid or quotation is in the best interest of the State. Subject to the provisions of subsections (b) and (c) of this section, the Division of Purchasing and Contracting may reject any or all bids or quotations and with the approval of the Secretary of Administration, procure items in such manner as may be in the best interest of the State.

(4) When purchasing any items mentioned in this 3 V.S.A. 2289, shall consider, in the best interest of the State (1) specified quality; (2) price; (3) ease of access of supply; (4) incidental administrative costs; (5) proven reliability of bidder; (6) use of recycled materials or products; (7) minimizing the creation, by the State, of solid waste; (8) the extent to which the usage of the item involves the generation of pollutants; (9) life cycle costs, if required under the State Agency Energy Plan, as implemented; (10) the interests of the State relating to the proximity of the supplier and the costs of transportation, and relating to the economy of the State and the need to maintain and create jobs in the State; and (11) the use of railroads and the increased revenues returning to the State from its railroad leasing program. The Division of Purchasing and Contracting in its discretion, may spend up to 10 percent more for comparable products that are made of recycled materials. If products made of recycled materials are to cost more than 10 percent more

than comparable products, the Division of Purchasing and Contracting shall receive consent of State entities that are to use the product, before completing the order for the materials in question.

(5) Whenever any business or industry located in Vermont and employing citizens of this State has submitted a bid and the item has not been purchased from them, shall record its reason for assigning the order. The Division of Purchasing and Contracting shall maintain records of the decision and reasons for assigning the order and the records and its reports shall be a public record available to any interested person. All bids or quotations shall be kept on file at the Division of Purchasing and Contracting and open to public inspection.

(6) When purchasing vehicles for State use shall consider vehicles using alternative fuels when the alternative fuel is suitable for the vehicle's operation, is available in the region where the vehicle will be used, and is competitively priced with traditional fuels.

(c) As an alternative to the procedures set forth in this 3 V.S.A. the Division of Purchasing and Contracting may elect to purchase any of the items mentioned in this 3 V.S.A. 2289, including but not limited to all fuel, supplies, materials, equipment, and services, through a program established by the federal general services administration to supply federal agencies with supplies, materials, and services or may choose to participate in cooperative purchases with other states, provided that the Division of Purchasing and Contracting first determines that purchasing through the general services administration or cooperative agreements with other states is in the best interest of the state.

(d) The Director of the Division of Purchasing and Contracting and the Secretary of Education, or their designees, shall develop and promote a program of centralized purchasing of equipment and supplies for public schools in Vermont, by which purchases may be combined in order to obtain volume purchasing discounts and other purchasing benefits.

(e) Establishment of a revolving fund is authorized for the purposes of subsection (d) above to be administered by the Director. All expenses of the program shall be paid out of the revolving fund. Costs shall be prorated according to rules established by the Secretary of Administration and charged to users of the program. At his or her discretion the Commissioner of Finance and Management may anticipate receipts to be paid into the fund based upon assurances from participants in the program and may issue warrants thereon for the purposes of this section.

(f) The Division of Purchasing and Contracting shall manage a supply program in order to ensure the disbursement of equipment for use by state government, including but not limited to fleet vehicles, office supplies, stationery, record books, and forms purchased by the state. The Director of the Division of Purchasing and Contracting shall disburse them upon requisition to all state departments, institutions and within limits approved by the Commissioner of Finance and Management to county officers whose compensation and expenses are paid by the state or any institution of higher education chartered in Vermont and accredited or holding a certificate of approval from the state Board of Education. The form of the requisition shall be prescribed by the Division of Purchasing and Contracting.

(g) The Division of Purchasing and Contracting shall keep an accurate account of all the property and services mentioned in subsection (f) above and of its distribution, and shall annually render an account to the Commissioner of Finance and Management of the

distribution of those supplies and services rendered for the preceding 12 months and an inventory of all supplies on hand, in such manner and form as shall be approved by the Commissioner of Finance and Management.

(h) All operating expenses and services of the central supply section and central duplicating section shall be paid out of the revolving fund established in 29 V.S.A. 926 insofar as possible. The Director of the Division of Purchasing and Contracting, with the approval of the Commissioner of Finance and Management, may assess charges for supplies, equipment and services, which the Commissioner of Finance and Management shall charge back to appropriations for the various departments all items mentioned under this section, and credit like amounts to the revolving fund.

(i) The Division of Purchasing and Contracting shall furnish to suppliers at the expense of the state the forms for all proposals and contracts. The Director of the Division of Purchasing and Contracting shall make all contracts in duplicate and shall forward forthwith one copy to the Commissioner of Finance and Management. An item of expense for any article mentioned in this chapter shall not be allowed by the Commissioner of Finance and Management in the settlement of any account except when the purchase of the article is authorized and approved by the Director of the Division of Purchasing and Contracting.

(j) The Director of the Division of Purchasing and Contracting may establish a purchasing card program for the purpose of authorizing all spending units of the state to use a purchasing card as an alternative payment method for official state purchases. The Director may contract with one or more financial institutions, card-issuing banks, credit card companies, charge card companies, debit card companies, or third-party merchant banks to provide state purchasing cards. The Director may accept receipts from the purchasing card program. The Director is authorized to establish policies for participation in the program and use of the purchasing card.

(k) When procuring food and agricultural products for the State, its agencies, departments, instrumentalities, and institutions, the Director of the Division of Purchasing and Contracting shall consider the interests of the State relating to the proximity of the supplier and the costs of transportation, and relating to the economy of the State and the need to maintain and create jobs in the State.

(l) When making purchases pursuant to subsection (k) above, the Secretary of Administration, the Director of the Division of Purchasing and Contracting and any State-funded institutions shall, other considerations being equal and considering the results of any econometric analysis conducted, purchase products

(m) The Director shall require that a bidder for the sale of apparel, footwear, or textiles provide certification from each supplier that the supplier at the point of assembly of the goods:

(1) Complies with all applicable wage, health, labor, environmental, and safety laws, legal guarantees of freedom of association, building and fire codes, and laws relating to discrimination in hiring, promotion, and compensation on the basis of race, disability, national origin, gender, sexual orientation, and affiliation with any political, nongovernmental, and civic group except when federal law precludes the state from attaching the procurement conditions provided in this subchapter; and

(2) Complies with all human and labor rights treaty obligations that are shared by the United States and the country in which the goods are assembled, including obligations

with regard to forced labor, indentured labor, slave labor, child labor, involuntary prison labor, physical and sexual abuse, and freedom of association.

(n) Prior to the awarding of a contract, a bidder for the sale of apparel, footwear, or textiles shall submit a list of the names and addresses of suppliers at the point of assembly of goods subject to the bid process.

(o) If, after complying with the filing requirements of subsection (n) above, a bidder is awarded a contract, that contractor shall, during the term of the contract, promptly inform the Director of any change in the information furnished to the Director pursuant to this section.

(p) The Director may accept a bid from and award a contract to a supplier who has not met the requirements provided in subsections (m) and (n) above if, after reasonable investigation by the Director, it appears that the required unit or item of supply or brand of that unit or item is procurable by the state from only that supplier or under other extraordinary circumstances. The approval of an exception pursuant to this section shall be documented in writing, signed by the Director, and retained as part of the contract file.

(q) The Director shall initiate an investigation to determine whether a violation of subsections (m) and (n) above has occurred if:

(1) The Director has knowledge that a contractor or a supplier at the point of assembly of goods subject to a contract is not in compliance with subsections (m) and (n) above.

(2) The contractor informs the Director that the contractor or a supplier at the point of assembly of goods subject to a contract is not in compliance with subsections (m) and (n) above.

(3) A worker for a contractor or for a supplier at the point of assembly of goods subject to a contract files a written complaint directly with the Director stating that the contractor or supplier, to the best of the worker's knowledge, is not in compliance with subsections (m) and (n) above.

(4) A third party established and based in the United States, on behalf of or on the basis of information from a worker or workers, files directly with the Director a written complaint, signed and dated under oath before an official authorized by applicable law to administer oaths, stating that, to the best of the third party's knowledge, a contractor or a supplier at the point of assembly of goods subject to a contract is not in compliance with subsections (m) and (n) above.

(5) A third party established and based outside the United States, on behalf of or on the basis of information from a worker or workers, files directly with the Director a signed and dated written complaint stating that, to the best of the third party's knowledge, a contractor or a supplier at the point of assembly of goods subject to a contract is not in compliance with subsections (m) and (n) above e.

(r) After receiving a complaint alleging noncompliance with subsections (m) and (n) above, the Director shall contact in a timely manner, in writing and by certified letter, the contractor that is the subject of the complaint or whose supplier is the subject of the complaint. In making a determination of whether a violation of subsections (m) and (n) above has occurred, the Director may take into account any factors, information, sources of information, and materials determined reliable and relevant by the Director, as determined on a case-by-case basis. The Director as specific authority and discretion to employ an independent monitor to investigate a complaint.

For purposes of this subsection, "Independent monitor" means a nonprofit organization that is neither funded nor controlled, in whole or in part, by businesses that sell or manufacture apparel, footwear, or textiles.

(s) The determination of whether a party subject to a complaint is in compliance with subsections (m) and (n) above is solely that of the Director.

(t) After rendering a determination under subsection (t) above, the Director promptly shall inform the complainant and contractor in writing.

(u) If, in the opinion of the Director, a contractor that has been determined to be not in compliance with subsections (m) and (n) above does not make good-faith efforts to change its practices or use its bargaining position with an offending supplier to change the supplier's practices, the Director may take appropriate remedial action, including barring the contractor from bidding on future state contracts or terminating the state's contract with the contractor. Reference to the authority given in this section shall be specifically referenced in state contracts with contractors that are subject to this subchapter.

(v) The Director shall coordinate with other jurisdictions of the United States of America with those jurisdictions' efforts to develop an effective strategy to monitor vendor compliance with the requirements of subsections (m) and (n) above or similar requirements of those jurisdictions. [The Director of the Division of Purchasing and Contracting shall be an exempt employee and shall be appointed by the Secretary of Administration.

EXPLANATION: This section creates the Division of Purchasing and Contracting in the Secretary of Administrations Office, instead of at the Department for Buildings and General Services. This changes is as part of an effort to create a centralized-statewide purchasing office, similar to how purchasing is structure in other states. This language changes made in Sec. E.100.6 above and through E.100.45 update current law to reflect this organizational change.

Sec. E.100.7 29 V.S.A. Sec. 152(a)(8) is amended to read:

(8) Employ such architectural and other professional assistance as he or she deems necessary in the performance of his or her duties. Before employing architectural and other professional assistance, the Commissioner shall request the Division of Purchasing and Contracting to give ~~ensure that~~ reasonable public notice of the Commissioner's intention to employ such assistance so as to allow full opportunity for any qualified expert to offer his or her services and the commissioner shall employ that architect or expert whose service will be in the best interest of the State.

EXPLANATION: Language consistent with the movement of purchasing to the Secretary of Administration's office.

Sec. E.100.8 29 V.S.A. Sec. 152(a)(12) is amended to read:

(12) The Commissioner of Buildings and General Services may contract for custodial and other maintenance services after the Division of Purchasing and Contracting has performed competitive bidding in accordance with Agency of Administration Bulletin 3.5. No employee will be laid off or otherwise be removed from employment as a result of contracting out except in circumstances where the work is beyond the capacity of state employees, or that the work or program can be performed more economically under an outside contract, or that an outside contractor has

management techniques, equipment or technology which will result in better public service and increased productivity.

EXPLANATION: Language consistent with the movement of purchasing to the Secretary of Administration's office.

Sec. E.100.9 29 V.S.A. Sec. 161(a) is amended to read:

(a) Bids, selection.

(1) When the construction cost of any State project exceeds the sum of \$ 50,000.00, the Commissioner of Buildings and General Services shall request the Division of Purchasing and Contracting to publicly advertise or invite three or more bids. The contract for any such State project or improvement shall be awarded to one of the three lowest responsible bidders, conforming to specification, with consideration being given to quantities involved, time required for delivery, purpose for which required, competency and responsibility of bidder, and his or her ability to render satisfactory service, but the Commissioner of Buildings and General Services with the approval of the Secretary of Administration, or designee, shall have the right to reject any and all bids and to invite other bids.

(2) When using the design-build construction delivery process, the Commissioner of Buildings and General Services shall request the [Office] [Division] of Purchasing and Contracting to publicly advertise or invite three or more bids. The award of a design-build contract shall be to the bidder determined by the Commissioner, to be most responsive to evaluation criteria established during the competitive procurement process established by the Commissioner. Such criteria may include physical plant characteristics proposed, program response to space needs, ability of the design-build team, anticipated development schedule and overall cost considerations, including alternates, allowances, and schedule of values.

(e) The Agency of Administration through its Division of Purchasing and Contracting shall ensure that the State and any of its subdivisions do not contract, directly or indirectly, with employers who are prohibited from contracting by the Commissioner of Labor pursuant to 21 V.S.A. §§ 692, 708, and 1314a or the Commissioner of Financial Regulation pursuant to 8 V.S.A. § 3661.

(f) The Agency of Administration through its Division of Purchasing and Contracting shall maintain a current list of employers that have been prohibited from contracting with the State or any of its subdivisions, and the Agencies of Administration and of Transportation shall publish that list on their websites.

EXPLANATION: Language consistent with the movement of purchasing to the Secretary of Administration's office.

Sec. E.100.10 29 V.S.A. Sec. 902 is amended to read:

§ 902. Duties of the Commissioner of Buildings and General Services

~~(a) The Commissioner of Buildings and General Services shall contract for and make all purchases, including but not limited to all fuel, supplies, materials, equipment, for all departments, offices, institutions, and other agencies of the State and counties. However, he or she may delegate authority to those governmental agencies to purchase directly individually approved types and classes of items when the interest of the State is best~~

served thereby. He or she shall also contract for and purchase materials for the repair and for the construction and equipment of new buildings to be erected by the State, unless otherwise provided. He or she may purchase such supplies, materials, and equipment as are requisitioned by the supervisors of the natural resources conservation districts. He or she may also cooperate with and advise officials of any political subdivision of the State or any institution of higher education chartered in Vermont and accredited or holding a certificate of approval from the State Board of Education in their purchase of any of the supplies, materials, and equipment needed by the political subdivision or institution of higher education, and may act as the agent of the political subdivision at the request of the authorized officials or agent thereof in the purchase of supplies, materials, and equipment.

(b) [Repealed.]

~~(c) The Commissioner of Buildings and General Services may establish, in consultation with the heads of the governmental agencies, quality standards for all items specified in subsection (a) of this section.~~

~~(d) The Commissioner of Buildings and General Services may prescribe forms to be used in all purchasing, warehousing, and inventory functions set forth in this section; and when he or she so prescribes, the forms shall be used by all departments and agencies affected by this section.~~

(e) [Repealed.]

~~(f)(a)~~ (a) The Commissioner of Buildings and General Services may also:

(1) establish and supervise inventory methods to be used by all government agencies;

(2) [Repealed.]

(3) maintain and operate the office supply service;

(4) receive, warehouse, manage, and distribute all State property and commodities except alcoholic beverages purchased for the Liquor Control Board; and all surplus federal property and commodities;

(5) maintain central inventory of all State property and equipment other than lands and buildings; and

(6) maintain and operate the State's Fleet Management System.

~~(g) The Commissioner of Buildings and General Services may establish substitute practices and exceptions from practices in requisitioning and purchasing that do not violate the spirit and intent of the general procedures; and he or she may direct, subject to the right of appeal by the head of the governmental agency to the Governor, the purchase of specified items to be made under the substitute practices and exceptions from practices.~~

~~(h)~~ (b) The Commissioner of Buildings and General Services may employ a standards and specifications engineer who shall under the supervision and direction of the Commissioner of Buildings and General Services:

(1) develop standards;

~~(2) assist the buyers and requisitioning agencies in formulating specifications;~~

(3) ~~(2)~~ work on the continued expansion of the testing program;

(4) ~~(3)~~ cooperate with departments and other agencies in the improvement of inspection practices;

(5) (4) perform such other duties relative to the duties of the Commissioner of Buildings and General Services as the Commissioner of Buildings and General Services may direct.

EXPLANATION: Language consistent with the movement of purchasing to the Secretary of Administration's office.

Sec. E.100.11 3 V.S.A. § 2222 is amended to read:

~~(j)~~(k) ~~The Commissioner of Buildings and General Services Secretary of Administration~~ may establish, in consultation with the heads of the governmental agencies, quality standards for all items specified in subsection ~~(A)~~(a)(11) of this section.

~~(k)~~(l) ~~The Commissioner of Buildings and General Services Secretary of Administration~~ may prescribe forms to be used in all purchasing, warehousing, and inventory functions set forth in this section; and when he or she so prescribes, the forms shall be used by all departments and agencies affected by this section.

(m) The Secretary of Administration shall promulgate policies, bulletins and directives which set minimum standards for soliciting, awarding, processing, executing and overseeing contracts for services as well as managing contract compliance.

~~(l)~~(n) ~~The Commissioner of Buildings and General Services Secretary of Administration~~ may establish substitute practices and exceptions from practices in requisitioning and purchasing of goods and services that do not violate the spirit and intent of the general procedures; and he or she may direct, subject to the right of appeal by the head of the governmental agency to the Governor, the purchase of specified items or services to be made under the substitute practices and exceptions from practices.

EXPLANATION: Language consistent with the movement of purchasing to the Secretary of Administration's office.

Sec. E.100.12 29 V.S.A. § 903 is amended to read:

§ 903. Requisition for supplies and materials

~~(a) When any governmental agency is in need of any of the items mentioned in this chapter, the responsible officer thereof shall requisition therefor upon the Commissioner of Buildings and General Services, and the Commissioner of Buildings and General Services shall purchase the items by either advertising for bids or by letters of inquiry and the contract for those items shall be awarded to the person whose bid or quotation is in the best interest of the State. Subject to the provisions of subsections (b) and (c) of this section, the Commissioner of Buildings and General Services may reject any or all bids or quotations and with the approval of the Secretary of Administration, procure items in such manner as may be in the best interest of the State.~~

~~(b) When purchasing any items mentioned in this chapter, the Commissioner of Buildings and General Services, in any determination of the best interest of the State shall consider (1) specified quality; (2) price; (3) ease of access of supply; (4) incidental administrative costs; (5) proven reliability of bidder; (6) use of recycled materials or products; (7) minimizing the creation, by the State, of solid waste; (8) the extent to which the usage of the item involves the generation of pollutants; (9) life cycle costs, if required under the State Agency Energy Plan, as implemented; (10) the interests of the State relating to the proximity of the supplier and the costs of transportation, and relating to the economy of the State and the need to maintain and create jobs in the State; and (11) the~~

~~use of railroads and the increased revenues returning to the State from its railroad leasing program. The Commissioner, in the Commissioner's discretion, may spend up to 10 percent more for comparable products that are made of recycled materials. If products made of recycled materials are to cost more than 10 percent more than comparable products, the Commissioner shall receive consent of State entities that are to use the product, before completing the order for the materials in question.~~

~~(c) Whenever any business or industry located in Vermont and employing citizens of this State has submitted a bid and the item has not been purchased from them, the Commissioner of Buildings and General Services shall record his or her reason for assigning the order as he or she did and his or her report shall be a public record available to any interested person. All bids or quotations shall be kept on file in his or her office and open to public inspection.~~

~~(d) The Commissioner of Buildings and General Services, with the assistance of all State agencies, shall cooperate with the generators and managers of waste materials which may be recycled and with the producers of products which use recycled materials to maximize the State's use of those materials and products, particularly where the added cost of using waste materials rather than virgin materials is less than the cost avoided by not having that waste in the waste stream. Proceeds from the sale of waste materials collected by the Department of Buildings and General Services shall be credited to a special fund and shall be available to the Department to offset the cost of recycling efforts. The goal for the purchase of recycled materials shall be at least 40 percent by the end of 2008. For purposes of this section, "recycled materials" include recycled paper products, retreaded automobile tires, re-refined lubricating oil, used automotive parts, reclaimed solvents, recycled asphalt, recycled concrete, and compost materials.~~

~~(e) Repealed.]~~

~~(f) Repealed.]~~

~~(g) The Commissioner of Buildings and General Services, when purchasing vehicles for State use shall consider vehicles using alternative fuels when the alternative fuel is suitable for the vehicle's operation, is available in the region where the vehicle will be used, and is competitively priced with traditional fuels.~~

EXPLANATION: Language consistent with the movement of purchasing to the Secretary of Administration's office.

Sec.E.100.13 29 V.S.A. §903a is amended to read:

~~§ 903a. Alternative purchasing sources~~

~~As an alternative to the procedures set forth in § 903 of this title, the commissioner may elect to purchase any of the items mentioned in this chapter through a program established by the federal general services administration to supply federal agencies with supplies and materials, or may choose to participate in cooperative purchases with other states, provided that the commissioner first determines that purchasing through the general services administration or cooperative agreements with other states is in the best interest of the state as provided in subsection 903(b) of this title.~~

EXPLANATION: Language consistent with the movement of purchasing to the Secretary of Administration's office.

Sec.E.100.14 29 V.S.A. §905 is amended to read:

§ 905. Centralized purchasing of school equipment and supplies

(a) ~~The Commissioner of Buildings and General Services~~ Director of Purchasing and Contracting, and the Secretary of Education, or their designees, shall develop and promote a program of centralized purchasing of equipment and supplies for public schools in Vermont, by which purchases may be combined in order to obtain volume purchasing discounts and other purchasing benefits.

(b) Establishment of a revolving fund is authorized for the purposes of this section to be administered by the ~~Commissioner of Buildings and General Services~~ Secretary of Administration. All expenses of the program shall be paid out of the revolving fund. Costs shall be prorated according to rules established by the ~~Commissioner of Buildings and General Services~~ Secretary of Administration, and charged to users of the program. At his or her discretion the Commissioner of Finance and Management may anticipate receipts to be paid into the fund based upon assurances from participants in the program and may issue warrants thereon for the purposes of this section.

EXPLANATION: Language consistent with the movement of purchasing to the Secretary of Administration's office.

Sec.E.100.15 29 V.S.A. §906 is amended to read:

§ 906. Duplicating Services

(a) ~~The [Division][Office] of Purchasing and Contracting commissioner of buildings and general services shall manage a supply program in order to ensure the disbursement of equipment for use by state government, including but not limited to fleet vehicles, office supplies, stationery, record books, and forms purchased by the state. The Director of the [Division][Office] of Purchasing and Contracting commissioner shall disburse them upon requisition to all state departments, institutions and within limits approved by the commissioner of finance and management to county officers whose compensation and expenses are paid by the state or any institution of higher education chartered in Vermont and accredited or holding a certificate of approval from the state board of education. The form of the requisition shall be prescribed by the commissioner of buildings and general services. [Division][Office] of Purchasing and Contracting.~~

(b) ~~The commissioner [Division][Office] of Purchasing and Contracting shall keep an accurate account of all the property and services mentioned in this section and of its distribution, and shall annually render an account to the commissioner of finance and management of the distribution of those supplies and services rendered for the preceding 12 months and an inventory of all supplies on hand, in such manner and form as shall be approved by the commissioner of finance and management.~~

(e)(a) The commissioner shall also maintain a central duplicating section to provide duplicating services for state departments, institutions and county officers whose compensation and expenses are paid by the state, and supply postal services to all state offices and officers located in central Vermont and in other locations when feasible as determined by the commissioner.

(d) ~~[Repealed.]~~

(e)(b) All operating expenses and services of the central supply section and central duplicating section shall be paid out of a revolving fund insofar as possible. The Commissioner of Buildings and General Services and the Director of the Division of

Purchasing and Contracting, with the approval of the Commissioner of Finance and Management, may assess charges for supplies, equipment and duplicating services, as the case may be, which the commissioner of finance and management shall charge back to appropriations for the various departments all items mentioned under this section, and credit like amounts to the revolving fund.

EXPLANATION: Language consistent with the movement of purchasing to the Secretary of Administration's office.

Sec.E.100.16 29 V.S.A. §907 is amended to read:

§ 907. Manner of payment of bills for purchases

(a) ~~The commissioner of buildings and general services [Division][Office] of Purchasing and Contracting shall furnish to suppliers at the expense of the state the forms for all proposals and contracts. The commissioner Director of the [Division][Office] of Purchasing and Contracting shall make all contracts in duplicate and shall forward forthwith one copy to the commissioner of finance and management. An item of expense for any article mentioned in this chapter shall not be allowed by the commissioner of finance and management in the settlement of any account except when the purchase of the article is authorized and approved by the Director of the [Division][Office] of Purchasing and Contracting. commissioner of buildings and general services.~~

(b) ~~The Director of the [Division][Office] of Purchasing and Contracting commissioner of buildings and general services may establish a purchasing card program for the purpose of authorizing all spending units of the state to use a purchasing card as an alternative payment method for official state purchases. The Director commissioner may contract with one or more financial institutions, card issuing banks, credit card companies, charge card companies, debit card companies, or third party merchant banks to provide state purchasing cards. The Director commissioner may accept receipts from the purchasing card program. The Director commissioner is authorized to establish policies for participation in the program and use of the purchasing card.~~

EXPLANATION: Language consistent with the movement of purchasing to the Secretary of Administration's office.

Sec.E.100.17 29 V.S.A. §909 is amended to read:

§ 909. State purchase of food and agricultural products

(a) ~~When procuring food and agricultural products for the State, its agencies, departments, instrumentalities, and institutions, the Director of the [Division][Office] of Purchasing and Contracting Commissioner of Buildings and General Services shall consider the interests of the State relating to the proximity of the supplier and the costs of transportation, and relating to the economy of the State and the need to maintain and create jobs in the State.~~

(b) ~~When making purchases pursuant to this section, the Secretary of Administration, the Director of the [Division][Office] of Purchasing and Contracting Commissioner of Buildings and General Services, and any State-funded institutions shall, other considerations being equal and considering the results of any econometric analysis conducted, purchase products grown or produced in Vermont when available.~~

EXPLANATION: Language consistent with the movement of purchasing to the Secretary of Administration's office.

Sec.E.100.18 29 V.S.A. §921 is amended to read:

§921. Application of subchapter; definitions

(a) ~~This subchapter applies to competitive bids for sale of apparel, footwear, or textiles pursuant to subchapter 1 of this chapter.~~

(b) ~~As used in this subchapter, unless the context otherwise indicates, the following terms shall have the following meanings:~~

(1) ~~"Commissioner Director" means the Director of the [Division][Office] of Purchasing and Contracting, commissioner of buildings and general services.~~

(2) ~~"Independent monitor" means a nonprofit organization that is neither funded nor controlled, in whole or in part, by businesses that sell or manufacture apparel, footwear, or textiles.~~

EXPLANATION: Language consistent with the movement of purchasing to the Secretary of Administration's office.

Sec.E.100.19 29 V.S.A. §922 is amended to read:

§922. Bids for the sale of apparel, footwear, or textiles

(a) ~~The commissioner Director shall require that a bidder for the sale of apparel, footwear, or textiles provide certification from each supplier that the supplier at the point of assembly of the goods:~~

(1) ~~complies with all applicable wage, health, labor, environmental, and safety laws, legal guarantees of freedom of association, building and fire codes, and laws relating to discrimination in hiring, promotion, and compensation on the basis of race, disability, national origin, gender, sexual orientation, and affiliation with any political, nongovernmental, and civic group except when federal law precludes the state from attaching the procurement conditions provided in this subchapter; and~~

(2) ~~complies with all human and labor rights treaty obligations that are shared by the United States and the country in which the goods are assembled, including obligations with regard to forced labor, indentured labor, slave labor, child labor, involuntary prison labor, physical and sexual abuse, and freedom of association.~~

(b) ~~Prior to the awarding of a contract, a bidder for the sale of apparel, footwear, or textiles shall submit a list of the names and addresses of suppliers at the point of assembly of goods subject to the bid process.~~

(c) ~~If, after complying with the filing requirements of this section, a bidder is awarded a contract, that contractor shall, during the term of the contract, promptly inform the Director commissioner of any change in the information furnished to the commissioner Director pursuant to this section.~~

EXPLANATION: Language consistent with the movement of purchasing to the Secretary of Administration's office.

Sec.E.100.20 29 V.S.A. §923 is amended to read:

§923. Exception

~~The commissioner Director may accept a bid from and award a contract to a supplier who has not met the requirements provided in section 922 of this title if, after reasonable investigation by the Director commissioner, it appears that the required unit or item of supply or brand of that unit or item is procurable by the state from only that supplier or~~

~~under other extraordinary circumstances. The approval of an exception pursuant to this section shall be documented in writing, signed by the Director commissioner, and retained as part of the contract file.~~

EXPLANATION: Language consistent with the movement of purchasing to the Secretary of Administration's office.

Sec.E.100.21 29 V.S.A. §925 is amended to read:

~~§ 925. Complaints of noncompliance with subchapter; investigations of complaints~~

~~(a) The commissioner Director shall initiate an investigation to determine whether a violation of this subchapter has occurred if:~~

~~(1) The commissioner Director has knowledge that a contractor or a supplier at the point of assembly of goods subject to a contract is not in compliance with this subchapter.~~

~~(2) The contractor informs the Director commissioner that the contractor or a supplier at the point of assembly of goods subject to a contract is not in compliance with this subchapter.~~

~~(3) A worker for a contractor or for a supplier at the point of assembly of goods subject to a contract files a written complaint directly with the Director commissioner stating that the contractor or supplier, to the best of the worker's knowledge, is not in compliance with this subchapter.~~

~~(4) A third party established and based in the United States, on behalf of or on the basis of information from a worker or workers, files directly with the Director commissioner a written complaint, signed and dated under oath before an official authorized by applicable law to administer oaths, stating that, to the best of the third party's knowledge, a contractor or a supplier at the point of assembly of goods subject to a contract is not in compliance with this subchapter.~~

~~(5) A third party established and based outside the United States, on behalf of or on the basis of information from a worker or workers, files directly with the Director commissioner a signed and dated written complaint stating that, to the best of the third party's knowledge, a contractor or a supplier at the point of assembly of goods subject to a contract is not in compliance with this subchapter.~~

~~(b) After receiving a complaint alleging noncompliance with this subchapter, the Director commissioner shall contact in a timely manner, in writing and by certified letter, the contractor that is the subject of the complaint or whose supplier is the subject of the complaint.~~

EXPLANATION: Language consistent with the movement of purchasing to the Secretary of Administration's office.

Sec.E.100.22 29 V.S.A. §926 is amended to read:

~~§ 926. Determinations of noncompliance with subchapter~~

~~(a) In making a determination of whether a violation of this subchapter has occurred, the commissioner Director may take into account any factors, information, sources of information, and materials determined reliable and relevant by the Director commissioner, as determined on a case-by-case basis. The Director commissioner has specific authority and discretion to employ an independent monitor to investigate a complaint.~~

~~(b) The determination of whether a party subject to a complaint is in compliance with this subchapter is solely that of the Director commissioner.~~

~~(c) After rendering a determination under this section, the Director commissioner promptly shall inform the complainant and contractor in writing.~~

EXPLANATION: Language consistent with the movement of purchasing to the Secretary of Administration's office.

Sec.E.100.23 29 V.S.A. §927 is amended to read:

~~§ 927. Consequences of noncompliance with subchapter~~

~~If, in the opinion of the Director commissioner, a contractor that has been determined to be not in compliance with this subchapter does not make good faith efforts to change its practices or use its bargaining position with an offending supplier to change the supplier's practices, the Director commissioner may take appropriate remedial action, including barring the contractor from bidding on future state contracts or terminating the state's contract with the contractor. Reference to the authority given in this section shall be specifically refereneed in state contracts with contractors that are subject to this subchapter.~~

EXPLANATION: Language consistent with the movement of purchasing to the Secretary of Administration's office.

Sec.E.100.24 29 V.S.A. §928 is amended to read:

~~§ 928. Coordination with other jurisdictions~~

~~The Director commissioner shall coordinate with other jurisdictions of the United States of America with those jurisdictions' efforts to develop an effective strategy to monitor vendor compliance with the requirements of this subchapter or similar requirements of those jurisdictions.~~

EXPLANATION: Language consistent with the movement of purchasing to the Secretary of Administration's office.

Sec.E.100.25 29 V.S.A. §1103 is amended to read:

§ 1103. Printing of reports and bulletins

~~The commissioner of buildings and general services~~ Commissioner of Building and General Services, after consultation with the state officers and boards, ~~and the Director of the Division of Purchasing and Contracting~~ shall cause to be printed such number of their respective bulletins and reports, in such manner and form, as in his or her judgment the best interests of the state require.

EXPLANATION: Language consistent with the movement of purchasing to the Secretary of Administration's office.

Sec.E.100.26 29 V.S.A. §1106 is amended to read:

§ 1106. Contracts for printing

~~The commissioner of buildings and general services~~ Commissioner of Buildings and General Services, in conjunction with the Division of Purchasing and Contracting, may make contracts for printing the public documents, senate and house bills, printing needed by the secretary of the senate and the clerk of the house for their respective houses,

legislative directories, and such other printing and binding as may be authorized by law or the interests of the state require, excepting contracts for printing court dockets.

EXPLANATION: Language consistent with the movement of purchasing to the Secretary of Administration's office.

Sec.E.100.27 29 V.S.A. §1107 is amended to read:

§ 1107. Bids

The ~~commissioner of buildings and general services~~ Director of the Division of Purchasing and Contracting shall make contracts for all state printing by advertisement and bid or letters of inquiry, unless otherwise provided. ~~He or she~~ The Director may reject any and all bids and readvertise or with the approval of the governor let such contract without further advertisement.

EXPLANATION: Language consistent with the movement of purchasing to the Secretary of Administration's office.

Sec.E.100.28 29 V.S.A. §1108 is amended to read:

§ 1108. Acceptance or rejection of bids; conditions of contracts

The ~~commissioner of buildings and general services~~ Director of the Division of Purchasing and Contracting may require satisfactory bonds from bidders and contractors, and shall specify in each contract for printing that, in case the matter contracted for is not delivered to the state librarian or in accordance with his or her written order to such other person as may be specified in the contract, on or before the date specified in the contract for such delivery, \$25.00 of the contract price shall be deducted for every day such delivery is delayed, and, in case the delay exceeds 10 days, there shall be deducted in addition to the above amount \$10.00 for each day's delay over 10 days; and he or she shall also specify in each contract that all public documents and printed matter shall be delivered to the state librarian at the state library unless otherwise directed in writing by him or her or the state librarian. The provisions of this section and section 1107 of this title relating to advertising and bids shall not apply to a contract for printing where the amount of the contract does not exceed \$50.00.

EXPLANATION: Language consistent with the movement of purchasing to the Secretary of Administration's office.

Sec.E.100.29 29 V.S.A. §1111 is amended to read:

§ 1111. Stationery, forms and supplies

The ~~commissioner of buildings and general services~~ Director of the Division of Purchasing and Contracting shall procure and cause to be printed and distributed all office stationery and shall purchase and cause to be distributed all office supplies required by the general assembly, the several state officers, departments, institutions, boards and commissions, and such blank complaints, forms and record books as are necessary.

EXPLANATION: Language consistent with the movement of purchasing to the Secretary of Administration's office.

Sec.E.100.30 29 V.S.A. §1113 is amended to read:

§ 1113. Journals of the joint assembly, senate and house of representatives

The secretary of the joint assembly, the secretary of the senate and the clerk of the house of representatives, within 60 days after the close of each session of the general assembly, shall furnish a certified copy of the original journals of their respective houses to the printer designated by the Director of the Division of Purchasing and Contracting ~~commissioner of buildings and general services~~, and within 30 days after the receipt from the printer of the last paged copy shall compile a proper index of the journals of their respective houses and furnish the same to the printer, and shall superintend the publication of their respective journals. The journal of the joint assembly shall be bound with the journal of the senate.

EXPLANATION: Language consistent with the movement of purchasing to the Secretary of Administration's office.

Sec.E.100.31 29 V.S.A. §1115 is amended to read:

§ 1115. Printing and distribution of the acts and resolves of the general assembly

Immediately after the close of each session of the general assembly, the secretary of state shall furnish the printer designated by the Director of the Division of Purchasing and Contracting ~~commissioner of buildings and general services~~ a copy of the acts and resolves of such session, duly certified by him or her, as secretary of state. The acts and resolves of each session of the general assembly shall be distributed so far as practicable within 90 days of its adjournment.

EXPLANATION: Language consistent with the movement of purchasing to the Secretary of Administration's office.

Sec.E.100.32 1 V.S.A. §496(a) is amended to read:

§ 496. State Flags, purchase, distribution

(a) The Secretary of State shall, through the Division of Purchasing and Contracting ~~Department of Buildings and General Services~~, obtain State Flags and a copy of the Bennington Battle Flag, so-called. He or she may, in his or her discretion and on such terms as he or she finds appropriate, distribute said State Flags to other states, to State officials, departments, and agencies, and to such other persons as he or she may determine should have them in the interest of the State. He or she shall cause the Bennington Battle Flag to be delivered to the custody of the Sergeant at Arms, to be flown at the State House in Montpelier, under the United States Flag, on the 15th, 16th, and 17th days of August in each year to commemorate the Battle of Bennington.

EXPLANATION: Language consistent with the movement of purchasing to the Secretary of Administration's office.

Sec.E.100.33 2 V.S.A. §16 is amended to read:

§ 16. Printing and distribution of daily calendar, journal, and bills

Copies of the daily calendar and journal shall be immediately furnished to the printer designated by the Division of Purchasing and Contracting ~~Commissioner of Buildings and General Services~~. The printing of the calendar and journal shall be under the supervision of the Secretary and Clerk, and the required number of printed copies shall be delivered to the offices of the Legislative Council before the opening of the morning session of the following legislative day. A sufficient number of copies of all the

bills shall also be delivered to the offices of the Legislative Council. Staff of the Legislative Council shall distribute the daily calendar and journal and the bills as follows:

(1) Calendars. One copy of the daily House calendar shall be placed on the desk of each member of the House and one copy of the daily Senate calendar shall be placed on the desk of each member of the Senate. An additional number of copies of both the daily House and Senate calendars shall be made available to House and Senate members in their respective chambers upon the request of a member. Calendars shall also be published on the State legislative webpage. The number of copies required shall be determined by staff of the Legislative Council based on their demand.

(2) Journals and bills. The daily House and Senate journals and bills shall be published on the State legislative webpage. Copies of bills shall be made upon request to House and Senate members.

(3) [Repealed.]

EXPLANATION: Language consistent with the movement of purchasing to the Secretary of Administration's office.

Sec.E.100.34 3 V.S.A. §2474 (b)(5) is amended to read:

(b) The Administrative Services Division shall provide the following services to the Agency and all its components, including components assigned to it for administration:

(1) personnel administration;

(2) finance and accounting;

(3) coordination of filing and records maintenance activities;

(4) provision of facilities, office space, and equipment and the care thereof;

(5) requisitioning from Division of Purchasing and Contracting ~~the Department of Buildings and General Services~~ of the Agency of Administration, of supplies, equipment, and other requirements;

(6) management improvement services; and

(7) other administrative service functions as may be assigned to it by the Secretary.

EXPLANATION: Language consistent with the movement of purchasing to the Secretary of Administration's office.

Sec.E.100.35 3 V.S.A. §2876(b)(5) is amended to read:

(b) The Administrative Services Division shall provide the following services to the Agency and all its components, including components assigned to it for administration:

(1) personnel administration;

(2) coordination of financing and accounting activities;

(3) coordination of filing and records maintenance activities;

(4) provision of facilities, office space, and equipment and the care thereof;

(5) requisitioning from the Division of Purchasing and Contracting ~~Department of Buildings and General Services~~ of the Agency of Administration of supplies, equipment, and other requirements;

(6) management improvement services; and

(7) other administrative functions assigned to it by the Secretary.

EXPLANATION: Language consistent with the movement of purchasing to the Secretary of Administration's office.

Sec.E.100.36 3 V.S.A. §3086(b)(5) is amended to read:

(b) The Operations Division shall provide the following services to the Agency and all its components, including components assigned to it for administration:

- (1) personnel administration;
- (2) financing and accounting activities;
- (3) coordination of filing and records maintenance activities;
- (4) provision of facilities, office space, and equipment and the care thereof;
- (5) requisitioning from the Division of Purchasing and Contracting ~~Department of Buildings and General Services~~ of the Agency of Administration, of supplies, equipment, and other requirements;
- (6) management improvement services;
- (7) training;
- (8) information systems and technology; and
- (9) other administrative functions assigned to it by the Secretary.

EXPLANATION: Language consistent with the movement of purchasing to the Secretary of Administration's office.

Sec.E.100.36 7 V.S.A. §107(5) is amended to read:

(5) Purchase through the ~~Commissioner of Buildings and General Services~~ Division of Purchasing and Contracting spirits and fortified wines for and in behalf of the Liquor Control Board, supervise the storage thereof and the distribution to local agencies, druggists, licensees of the third class, and holders of fortified wine permits, and make regulations subject to the approval of the Board regarding the sale and delivery from the central storage plant.

EXPLANATION: Language consistent with the movement of purchasing to the Secretary of Administration's office.

Sec.E.100.37 7 V.S.A. §110 is amended to read:

§ 110. Special brands; purchase by Commissioner of Liquor Control

If any person shall desire to purchase any class, variety, or brand of spirituous liquor which any local agency does not have in stock, the Commissioner of Liquor Control shall order the same through the ~~Commissioner of Buildings and General Services~~ Division of Purchasing and Contracting upon the payment of a reasonable deposit by the purchaser in such proportion of the approximate cost of the order as shall be prescribed by the regulations of the Liquor Control Board.

EXPLANATION: Language consistent with the movement of purchasing to the Secretary of Administration's office.

Sec.E.100.38 10 V.S.A. §330(c)(3)(B) is amended to read:

§ 330. The Farm-to-Plate Investment Program; creation; goals; tasks; methods

(c) Tasks.

(1) By June 30, 2010, the Vermont Farm-to-Plate Investment Program shall create a strategic plan for agricultural economic development, which may be periodically reviewed and updated, based upon the following:

(A) Inventory Vermont's food system infrastructure by gathering existing data, studies, and analysis about the components of Vermont's food system, including:

(i) The types of foods produced in Vermont, the number of producers of each type of food, the amount of each type of food produced, and the financial viability of each food-producing sector.

(ii) The types of food processors in Vermont, how much food produced in Vermont is purchased by Vermont processors, and the financial viability of the food processing sector in Vermont.

(iii) The current and potential markets in which Vermont food producers and processors can sell their products.

(iv) The extent of existing agricultural lands that could be expanded and the resources available to expand Vermont's food production.

(v) The potential for new farmers and food processors to enter the local food economy, the methods for new farmers to acquire land and other farm infrastructure, and the availability and barriers to farm and processing labor.

(vi) The potential for entirely new local products and the barriers to farmers and processors entering new markets.

(B) Identify gaps in the infrastructure and distribution systems and identify ways to address these gaps.

(2) The Vermont Farm-to-Plate Investment Program shall seek grant funding to support farm-to-table direct marketing, including farmers' markets and community-supported agriculture operations and to support regional community food hubs.

(3) As an ongoing task, the Farm-to-Plate Investment Program shall use the information gathered for the strategic plan to identify methods and the funding necessary to strengthen the links among producers, processors, and markets, including:

(A) Support of the work of existing farm-to-school programs to increase the purchase of local foods by Vermont schools, with a particular emphasis on procurement of nutrient-dense animal foods.

(B) Collaborating with the Agency of Agriculture, Food and Markets and the Division of Purchasing and Contracting ~~Department of Buildings and General Services~~ to increase procurement of local foods in accordance with 6 V.S.A. § 4601.

(C) Collaborating with the Agency of Agriculture, Food and Markets and the Sustainable Agriculture Council to increase procurement of local foods by businesses and institutions.

(D) Supporting initiatives that improve direct marketing of foods from the farm to the consumer.

(E) Informing agricultural lenders of the information collected under subdivision (c)(1) of this subsection in order to facilitate availability of agricultural financing.

(4) The Farm-to-Plate Investment Program strategic plan shall also include recommendations regarding measurable goals that shall be tracked over the ten-year life of the Plan; methods for the ongoing collection of data necessary to track those goals; plans for updating the Plan as needed; and appropriate methods to track the ongoing economic contribution of the farm and food sector to the Vermont economy.

EXPLANATION: Language consistent with the movement of purchasing to the Secretary of Administration's office.

Sec.E.100.39 12 V.S.A. §5601(f) is amended to read:

(f) The limitations in subsection (e) of this section do not apply to claims against the State of Vermont to the extent that there exists coverage under a policy of liability insurance purchased by the ~~Commissioner of Buildings and General Services~~ Secretary of Administration.

EXPLANATION: Language consistent with the movement of purchasing to the Secretary of Administration's office.

Sec.E.100.40 12 V.S.A. §5603(a) is amended to read:

§ 5603. Settlement of claims

(a) The attorney general may consider, adjust, determine and settle any claim for damages against the state of Vermont resulting from the acts or omissions of an employee as provided under section 159 of Title 3. If the state elects to self-insure the liability as defined in 12 V.S.A. § 5601, the attorney general shall consult with the ~~commissioner of buildings and general services~~ Secretary of Administration prior to exercising his or her authority under this subsection.

EXPLANATION: Language consistent with the movement of purchasing to the Secretary of Administration's office.

Sec.E.100.41 16 V.S.A. §559 is amended to read:

§ 559. Public bids

(a) When the cost exceeds \$15,000.00. A school board or supervisory union board shall publicly advertise or invite three or more bids from persons deemed capable of providing items or services if costs are in excess of \$15,000.00 for any of the following:

- (1) the construction, purchase, lease, or improvement of any school building;
- (2) the purchase or lease of any item or items required for supply, equipment, maintenance, repair, or transportation of students; or
- (3) a contract for transportation, maintenance, or repair services.

(b) When a school construction contract exceeds \$500,000.00:

(1) The State Board shall establish, in consultation with the Division of Purchasing and Contracting ~~Commissioner of Buildings and General Services~~ and with other knowledgeable sources, general rules for the prequalification of bidders on such a contract. The Department of Buildings and General Services, upon notice by the Secretary, shall provide to school boards undergoing construction projects suggestions and recommendations on bidders qualified to provide construction services.

(2) At least 60 days prior to the proposed bid opening on any construction contract to be awarded by a school board that exceeds \$500,000.00, the school board shall publicly advertise for contractors interested in bidding on the project. The advertisement shall indicate that the school board has established prequalification criteria that a contractor must meet, and shall invite any interested contractor to apply to the school board for prequalification. All interested contractors shall submit their qualifications to the school board, which shall determine a list of eligible prospective bidders based on the previously established criteria. At least 30 days prior to the proposed bid opening, the school board shall give written notice of the board's determination to each contractor that submitted qualifications. The school board shall consider all bids submitted by prequalified bidders meeting the deadline.

(c) Contract award.

(1) A contract for any such item or service to be obtained pursuant to subsection (a) of this section shall be awarded to one of the three lowest responsible bids conforming to specifications, with consideration being given to quantities involved, time required for delivery, purpose for which required, competency and responsibility of bidder, and his or her ability to render satisfactory service. A board shall have the right to reject any or all bids.

(2) A contract for any property, construction, good or service to be obtained pursuant to subsection (b) of this section shall be awarded to the lowest responsible bid conforming to specifications. However, when considering the base contract amount and without considering cost overruns, if the two lowest responsible bids are within one percent of each other, the board may award the contract to either bidder. A board shall have the right to reject any bid found not to be responsible or conforming to specifications or to reject all bids.

(d) Construction management. The school board may contract for the service of construction management to assist in a school construction project. The State Board, in consultation with the Commissioner of Buildings and General Services and other knowledgeable sources, shall adopt rules defining the term "construction management" and specifying the nature of bidding requirements under construction management services in order to assist school boards to comply with the public bidding requirements of this section.

(e) Application of this section. Any contract entered into or purchase made in violation of the provisions of this section shall be void; provided, however, that:

(1) the provisions of this section shall not apply to contracts for the purchase of books or other materials of instruction;

(2) a school board may name in the specifications and invitations for bids under this section the particular make, kind, or brand of article or articles to be purchased or contracted;

(3) nothing in this section shall apply to emergency repairs;

(4) nothing in this section shall be construed to prohibit a school board from awarding a school nutrition contract after using any method of bidding or requests for proposals permitted under federal law for award of the contract;

(5) nothing in this section shall prevent school districts or supervisory unions from entering into agreements with other school districts or supervisory unions to conduct joint bidding procedures otherwise consistent with this section;

(6) nothing in this section shall require a school board to invite or advertise for bids if it elects to purchase goods, materials, or supplies through the Division of Purchasing and Contracting ~~Commissioner of Buildings and General Services~~, pursuant to 29 V.S.A. chapter 49 and 3 V.S.A. Sec. 2289;

(7) nothing in this section shall require a school board or supervisory union board to invite or advertise for bids if it is renewing a contract entered into pursuant to subsection (a) of this section provided that annual costs will not increase more than the most recent New England Economic Project Cumulative Price Index, as of November 15, for State and local government purchases of goods and services, the total amount of the contract does not exceed an increase of 30 percent more than the total amount of the original contract, and the contract for the renewal period allows termination by the board following an annual review of performance.

(f) Waivers. The State Board shall by rule adopt standards governing the authority of the Secretary to grant individual waivers to the provisions of this section. The rules, at minimum, shall require the school board seeking the waiver to demonstrate to the Secretary that it is unable to comply with the bidding procedure through no fault of its own, and that it has proposed an alternative method of minimizing costs through a fair and public process.

(g) Violations. The State Board may deny State aid for school construction and for debt service on a project that proceeds in violation of this section.

EXPLANATION: Language consistent with the movement of purchasing to the Secretary of Administration's office.

Sec.E.100.42 20 V.S.A. §1720 is amended to read:

§ 1720. Department of buildings and general services

Unless otherwise directed by the general assembly, the commissioner of buildings and general services, after consultation with and concurrence of the board, shall:

(1) Supervise the engineering, construction, improvement, repair, alteration, demolition, and replacement of and addition to buildings, structures, and facilities of the home.

(2) Request the Division of Purchasing and Contracting to Solicit ~~Solicit~~ bids and award contracts for the performance of engineering services for specific projects at the home.

EXPLANATION: Language consistent with the movement of purchasing to the Secretary of Administration's office.

Sec.E.100.43 20 V.S.A. §780(a) is amended to read:

§ 708. Penalty for false representation

(a) Action by the Commissioner of Labor. A person who willfully makes a false statement or representation, for the purpose of obtaining any benefit or payment under the provisions of this chapter, either for herself or himself or for any other person, after notice and opportunity for hearing, may be assessed an administrative penalty of not more than \$20,000.00, and shall forfeit all or a portion of any right to compensation under the provisions of this chapter, as determined to be appropriate by the Commissioner after a determination by the Commissioner that the person has willfully made a false statement or representation of a material fact. In addition, an employer found to have violated this section is prohibited from contracting, directly or indirectly, with the State or any of its subdivisions for up to three years following the date the employer was found to have made a false statement or misrepresentation of a material fact, as determined by the Commissioner in consultation with the Division of Purchasing and Contracting ~~Commissioner of Buildings and General Services~~ or the Secretary of Transportation, as appropriate. Either the Secretary or the Director of the Division of Purchasing and Contracting ~~Commissioner~~, as appropriate, shall be consulted in any contest relating to the prohibition of the employer from contracting with the State or its subdivisions.

EXPLANATION: Language consistent with the movement of purchasing to the Secretary of Administration's office.

Sec.E.100.44 21 V.S.A. §1314a(f)(1)(B) is amended to read:

(f)(1) Any employing unit or employer that fails to:

(A) File any report required by this section shall be subject to a penalty of \$100.00 for each report not received by the prescribed due dates.

(B) Properly classify an individual regarding the status of employment is subject to a penalty of not more than \$5,000.00 for each improperly classified employee. In addition, an employer found to have violated this section is prohibited from contracting, directly or indirectly, with the State or any of its subdivisions for up to three years following the date the employer was found to have failed to properly classify, as determined by the Commissioner in consultation with the Director of the Division of Purchasing and Contracting ~~Commissioner of Buildings and General Services~~ or the Secretary of Transportation, as appropriate. Either the Secretary or the Director of the Division of Purchasing and Contracting ~~Commissioner~~, as appropriate, shall be consulted in any appeal relating to prohibiting the employer from contracting with the State or its subdivisions.

(2) Penalties under this subsection shall be collected in the manner provided for the collection of contributions in section 1329 of this title and shall be paid into the Contingent Fund provided in section 1365 of this title. If the employing unit demonstrates that its failure was due to a reasonable cause, the Commissioner may waive or reduce the penalty.

EXPLANATION: Language consistent with the movement of purchasing to the Secretary of Administration's office.